

# ADVISORY COMMUNICATION



**To:** MAYOR AND COUNCIL Item No. IX. C.

**From:** Mark K. Nolan, AICP, Transportation Planner  
Edina Transportation Commission

**Date:** November 3, 2014

**Subject:** Edina Transportation Commission Advisory Communication: Bicycling in Municipal Parking Facilities Ordinance

**Attachments:**

1. Edina City Code Chapter 24, Article VII, Division 2, Sec. 24-254
2. Edina City Code Chapter 24, Article VIII, Division 5, Sec. 24-399
3. Bike Edina Recommendation from July 2014

## Action Requested:

City Council direct City staff to conduct a thorough legal review and modification of Chapter 24, Articles VII and VIII of Edina City Code.

## Situation:

City code prohibits riding a bicycle in a municipal parking facility. This includes both surface parking lots and ramps. Bike Edina has recommended modifying the ordinance to permit bicycle use of municipal parking facilities. ETC has discussed the Bike Edina recommendation and encourages a broader modification to the ordinance that also takes into consideration other forms of non-motorized transportation, such as skateboards and scooters, which are currently not permitted in municipal parking facilities.

## Background:

Sec. 24-399 of Edina City Code reads: "No person shall use a skateboard, roller skates, in-line skates or blades, bicycles, scooters or similar devices on or within any municipal parking facility."

Sec. 24-395 (1) and (2) read: "The term 'municipal parking facility' means any lot or ramp, and the lanes giving ingress thereto and egress therefrom, and all accessories thereof, owned or operated by the City or the housing and redevelopment authority of the City, herein called 'HRA,' and made available to the public for parking of private motor vehicles whether for a fee or at no cost. The term 'municipal parking facility' does not include parking spaces located along public streets and highways."

A violation of Sec. 24-399 would be a misdemeanor (the default penalty in City code).

In July 2014, Bike Edina members discussed the ordinance and how it prohibits bicycle access to City facilities, including parks and bicycle parking, unless a bicyclist rides on the sidewalk. Members understood the intent of the ordinance was most likely to prohibit recreational use of parking facilities



(skateboard tricks, etc.), but believed the ordinance is written too broadly. A motion was approved to recommend modifying Sec. 24-399 of City Code by striking the word “bicycles.” The group agreed that, just as with the biking on sidewalks ordinance, safety education should go along with the ordinance change.

The ETC discussed the Bike Edina recommendation in September. Discussion included:

- Agreement that the current ordinance, if followed, would make it difficult for people riding bikes to legally access bike parking, especially at City parks.
- Concern about the potential dangers of riding a bike, skateboard or scooter in a parking lot.
- The need to acknowledge that skateboards and scooters are also forms of non-motorized transportation, especially for younger people.
- The need to be forward thinking when revising the ordinance. In the future, the City may include bike parking, bike service areas, and bike/skateboard/scooter lockers in municipal parking ramps.
- The need to revise the ordinance to permit access to parking and destinations but to prohibit recreational use of the parking facilities.

Under current City code, skateboards, roller skates, in-line skates or blades, or similar devices may not be used in municipal parking facilities under both Section 24-254 and Section 24-399. Only Section 24-399 applies to bicycles.

## **Analysis:**

The City has worked to make Edina more bicycle friendly. Updating City ordinances is part of this effort. The current ordinance prohibiting using a bicycle in municipal parking facilities limits legal access to bike parking, especially at City parks. In the future, the ordinance could limit the development of bike parking and service areas in parking ramps.

The City has also worked to improve transportation options for residents. For young people especially, bicycles, skateboards and scooters are forms of transportation.

For safety reasons, recreational use of bicycles, skateboards, scooters and similar devices in municipal parking facilities should continue to be prohibited. Transportation use, for the purposes of parking or accessing a building or City park adjacent to, or in close proximity to, a municipal parking facility should be permitted unless otherwise posted.





## **Recommendation:**

Review and modify Sections 24-254 and 24-399 to permit non-recreational use of municipal parking facilities by bicycles, skateboards, scooters, and similar devices, except where posted.

Prepared by: Jennifer Janovy

Reviewed by: Dawn Spanhake and Katherine Bass

Date: September 30, 2014

**Sec. 24-254. Conduct in parks, streets, sidewalks, and publicly owned property.**

No person, in any park, street, sidewalk or publicly owned property shall:

- (1) Cut, break, scratch, mark or in any way injure or deface or remove any building, fence, post, pump, lamp, flagpole, construction work, improvement, facility or any other structure or property.
- (2) Post, paste, fasten, paint or affix any placard, bill, notice or sign upon any motor vehicle, structure, pole, tree, stone, fence, thing or enclosure, unless first authorized in writing by the city.
- (3) Pick or cut any wild or cultivated flower, or cut, break or in any way injure or deface any tree, shrub or plant, provided that a property owner may prune trees and shrubs on the street right-of-way adjoining his property subject to the permission of the park director.
- (4) Remove any wild flower, tree, shrub, plant, branch or portion thereof, or any soil or other material without the approval of the park director.
- (5) Go on foot or otherwise upon grass or turf where a prohibitory sign is posted.
- (6) Throw or cast any stone or other object, or aim or discharge any air gun, sling shot or other weapon except according to the rules of a game or recreation permitted in writing by the city.
- (7) Deposit, place or leave any paper, rubbish, waste, cans, bottles or refuse of any kind except in receptacles provided for the collection of waste.
- (8) Deposit, place or leave in publicly owned waste receptacles refuse generated from normal household or business activities.
- (9) Start or maintain any fire except small fires made by picnic parties in those locations in parks designated for that purpose by the city.
- (10) Abandon any fire made pursuant to subsection (9) of this section without completely extinguishing the fire and depositing the ashes or coals from such fire, after they have cooled sufficiently, in receptacles provided for waste.
- (11) Perform acts prohibited by article II of chapter 22.
- (12) Set, lay or prepare or use any trap, snare, artificial light, net bird line, ferret, hawk or any contrivance or device whatever for the purpose of catching, taking or killing any bird or wild creature. The prohibition in this subsection shall not apply to trapping by any means or methods done by the city, or done under its direction, or done by any other governmental agency or department with the written permission of the city manager, or done by any person with a valid trapping license issued by the state and with the written permission of the city manger. All trapping shall be done in accordance with state law.
- (13) Start or land an airplane, helicopter, balloon or other aircraft without the written permission of the manager.
- (14) Consume intoxicating or nonintoxicating malt liquor, wine or intoxicating liquor, as defined in chapter 4, except that:
  - a. 3.2 percent malt liquor, intoxicating malt liquor and wine which is dispensed by the city or by an authorized agent of the city may be consumed subject to other

applicable provisions of this Code and subject to the rules and regulations of the park director pursuant to [section 24-258](#) in the following places:

1. Inside the clubhouse building or on decks, patios and other outdoor dining areas which are adjacent to the clubhouse building at Braemar Golf Course and at Fred Richards Golf Course.
2. Inside the Edinborough Park building, the Centennial Lakes Park Centrum building, the building at Arneson Acres Park, the Edina Art Center Building, the Edina Senior Center and on decks, patios and other outdoor dining areas which are adjacent to such buildings.
- b. 3.2 percent malt liquor which is dispensed by the city or by an agent of the city pursuant to a temporary on-sale 3.2 percent malt liquor license issued in accordance with chapter 4 may be consumed subject to other applicable provisions of this Code and subject to the rules and regulations of the park director pursuant to [section 24-258](#) within the confines of the ball field complex at Van Valkenburg Park.
- c. 3.2 percent malt liquor, wine and intoxicating malt liquor which is dispensed by the city or by an agent of the city at an on-sale dispensary authorized pursuant to [section 4-2](#) may be consumed subject to other applicable provisions of this Code and subject to the rules and regulations of the park director pursuant to [section 24-258](#) on the grounds of Braemar Golf Course. 3.2 percent malt liquor which is dispensed by the city or by an agent of the city at an on-sale dispensary authorized pursuant to [section 4-2](#) may be consumed subject to other applicable provisions of this Code and subject to the rules and regulations of the park director pursuant to [section 24-258](#) on the grounds of Fred Richards Golf Course.
- d. 3.2 percent malt liquor, intoxicating malt liquor and wine may be consumed at sidewalk cafes which are licensed in accordance with chapter 4 and which are authorized by a permit issued pursuant to section 24-313.
- e. Alcoholic beverages may be consumed on premises holding a temporary on-sale 3.2 percent malt liquor license or a temporary on-sale intoxicating liquor license issued pursuant to chapter 4 and which are authorized by a permit issued pursuant to section 24-346.
- (15) Destroy, injure or tamper with any sewer, storm sewer, water main, culvert or any part thereof, including manhole covers, tanks or valves.
- (16) Hitch any animal to a lamp post, hydrant, drinking fountain, tree or other structure or picket an animal to the ground.
- (17) Park or occupy a vehicle or occupy a street or sidewalk to sell any farm produce or any other product or property, or for conducting any business or selling of services, except as provided in section 24-259.
- (18) Place any vehicle to display the vehicle for sale or exchange.
- (19) Work, grease, repair, change oil or maintain in any way a vehicle, except as necessitated by an emergency.
- (20) Use a skateboard, roller skates, in-line roller skates or blades, or similar devices:
  - a. In a municipal parking facility;
  - b. On or across a sidewalk within or adjoining property in the PC-1, PC-2 or PC-3 districts, as defined by chapter 36; or
  - c. Upon the traveled portion of a street.

Notwithstanding this subsection (20), roller skates or in-line roller skates or blades may be used on the traveled portion of streets, if no adjoining sidewalk is present.

- (21) Feed any wild animal or bird, or deposit a food source for wild animals or birds.

*(Code 1970; Code 1992, § 1230.02; Ord. No. 1222; Ord. No. 1222-A1, 11-29-1978; Ord. No. 1222-A2, 11-28-1979; Ord. No. 1222-A3, 6-24-1987; Ord. No. 1993-5, 4-28-1993; Ord. No. 1994-6, 7-27-1994; Ord. No. 1995-6, 8-17-1995; Ord. No. 1997-14, 12-15-1997; Ord. No. 1999-7, 3-15-1999; Ord. No. 2001-7, 10-3-2001; Ord. No. 2002-10, 1-21-2003; Ord. No. 2004-8, 5-27-2004; Ord. No. 2004-10, 8-12-2004; Ord. No. 2010-03, 2-16-2010; Ord. No. 2011-11, 12-6-2011; Ord. No. 2012-04, 2-21-2012)*

**Sec. 24-399. Operation of certain devices prohibited.**

No person shall use a skateboard, roller skates, in-line roller skates or blades, bicycles, scooters or similar devices on or within any municipal parking facility.

*(Code 1970; Code 1992, § 1235.05; Ord. No. 1232, 10-13-1976; Ord. No. 1232-A1, 5-7-1980; Ord. No. 1232-A2, 9-25-1985; Ord. No. 1232-A3, 12-13-1989; Ord. No. 1995-6, 8-17-1995; Ord. No. 2006-5; 9-5-2006)*





## RECOMMENDATION

**TO:** ETC

**RE:** Recommendation to modify Sec. 24-399 of City Code

**DATE:** July 11, 2014

### Background

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Bike Edina members discussed the ordinance and how it prohibits bicycle access to City facilities, including parks, unless a bicyclist rides on the sidewalk. Members understood the probable intent of the ordinance but believed that is written too broadly. A motion was approved to recommend modifying Sec. 24-399 of City Code by striking the word "bicycles." The group agreed that, just as with the biking on sidewalks ordinance, safety education should go along with the ordinance change. See draft meeting notes, section highlighted in blue.

**Recommendation:** Recommend to the City Council that the City Council modify Sec. 24-399 of City Code by striking the word "bicycles."